

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3843 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

SHAPURI PALANJI & CO. PVT.LTD.

Versus

SAURASHTRA MAZDOOR SANGH

Appearance:

MR DM THAKKAR for Petitioner

MR MM DEVNANI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. This writ petition was admitted on 13th August, 1985
and on 24th April, 1986, interim relief has been
granted. The order of that date reads as under:

"Ad interim stay regarding implementation of the award only insofar as it relates to the payment of back wages upto the end of 1985, but the payment will be made as per the award with effect from 1st January 1986, the arrears from 1st January 1986 till the end of April 1986 to be paid along with the wages beginning from May 1986."

#. On the last date, the learned counsel for the respondent has been given direction to take instructions from the office bearer of the Union regarding the back wages upto the end of 1985 as well as the demand No.3 as accepted by the Labour Court, Rajkot. Mr.Devnani, learned counsel for respondent submitted that he has been instructed by the Union that these two points be left at the discretion of the Court. So far as other dues are concerned, the learned counsel for the petitioner is not seriously pressing the special civil application. Otherwise also, by passing of time, the wages of the members of the respondent-Union would have been increased much more than what these were granted to them by the Labour Court under the impugned award.

#. So far as demand No.3 is concerned, the Labour Court has granted 21 days' E.L., 10 days' C.L. 7 days' sick leave and 8 days' public holidays in the year to the members of the respondent-Union. The claim has been made by the Union that the workmen should be given 30 days' E.L., 10 days' C.L., 30 days' sick leave, and 10 days' public holidays. This claim has been accepted on the basis of what these benefits are being given to the workmen by the Saurashtra Chemicals, Indian Rayon Company and Tata Chemicals.

#. The learned counsel for the petitioner submitted that looking to the size of those three establishments which are giants and looking to the size of the petitioner, this is towards higher side. The learned counsel for the petitioner, on being asked by the court, is unable to show even Standing Orders of the company or the Model Standing Orders as given out by the Central Government. Before the Labour Court, from the side of petitioner, nothing has been produced to justify that the claim of workmen could not have been accepted for that much of days of leave under different heads. That is the position also before this court. In the facts of this case, whatever the award has been made irrespective of demand No.3 cannot be said to be perverse or arbitrary and accordingly this part of the judgment of the Labour

Court does not call for interference of this court. So far as the other demands are concerned, it is to be stated at the cost of repetition that the same have not been seriously pressed and otherwise also, I do not find any illegality therein and more so after passing of such a long time.

#. So far as back wages are concerned, this court has not permitted and this order made is just and reasonable and accordingly the award of the Labour Court is modified to the extent that the members of the respondent-Union are entitled for benefits under the award from 1.1.86 as what this court has ordered on 24th April 1986. The special civil application is allowed to this extent only. Rule is made absolute to the extent what indicated in the judgment. No order as to costs.

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(sunil)